



Fairfield County Medical Association

MEMORANDUM OF OPPOSITION

Physicians Dedicated to a Healthier Fairfield County

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Raised Bill No. 1028: *AN ACT CONCERNING THE TOLLING OF THE STATUTE OF LIMITATIONS FOR A NEGLIGENCE ACTION BROUGHT BY A MINOR*

Submitted to the Judiciary Committee

March 6, 2015

As organizations that have advocated for a healthier Fairfield and Hartford Counties for more than 223 years, the Fairfield and Hartford County Medical Associations are steadfastly opposed to this proposal.

According to the 2015 ratings posted by *Medscape*, Connecticut ranked as the worst place to practice medicine in the Northeast; *Fidelis Partners* rated Connecticut the fourth worst state in the nation to practice medicine; and *Physicians Practice* said Connecticut stood at the bottom of the pack. The common denominator among these and other surveys on this topic is the high costs of medical liability insurance premiums. Without needed tort reform, medical liability lawsuits are a huge burden in Connecticut; and, the changes contemplated in Raised Bill 1028 will only exacerbate an already untenable situation.

While it is unclear why the statute of limitations for medical liability actions need to be tolled for minors, assuredly the impact will be to increase the costs of medical liability insurance premiums. Connecticut is not an anomaly as seven other states also do not have special rules for children. According to Code Section § 52-584, plaintiffs have two years to bring the case before the court but no more than three years from the date of injury or omission.

Connecticut already experiences a well-documented unfriendly atmosphere for practicing medicine:

- Medical groups are having a hard time hiring doctors. Eighty percent of Connecticut physicians report difficulty recruiting new physicians to the practice¹.
- Connecticut is failing to recruit highly skilled younger physicians. Connecticut ranks 45 in the nation for the lowest percentage of physicians retained in the state from Graduate Medical Education².
- Connecticut's population is aging and so are its physicians. Roughly 27 percent of holders of physician and surgeon licenses are 60 years of age or older³.
- The professional liability situation is depressing the availability of physicians. In a survey funded by the Universal Foundation of Connecticut, a poll of 1077 physicians revealed 19 percent of the respondents are contemplating a career change and 10 percent plan to leave the state because of Connecticut's practice environment⁴.

The statute of limitations should not be increased until such time the public need to do so is clearly proven.

¹ R. Aseltine, et.al., CT Physician Workforce, CT Medicine 72: 539-546, October 2008

² 2013 State Physician Workforce Data Book, American Association of Medical Colleges

³ Statewide Healthcare Facilities and Services Plan (Conn. Professional Licensure Data)

⁴ September 24, 2008 press release, CSMS Issues Physician Workforce Survey Report

